

REMARKS

Claims 1-5, 11 and 26 are pending in this application. Claims 12-18 and 25 have been canceled without prejudice or disclaimer. Claims 1 and 2 have been amended herein.

In the Advisory action dated April 16, 2003, the Examiner indicated that “the 103(a) rejection of claims 1-3, 5 and 26 based on Ohta et al.” has been overcome. This apparently refers to the rejection of claims 1-3, 5 and 26 over Ohta et al. (U.S. Patent No. 5,571,636) in the final Office action of December 27, 2003. This would apparently leave only the rejection of claims 1-5, 11-18, 25 and 26 under 35 U.S.C. 103(a) over Ohta et al. (U.S. Patent No. 6,287,726) in view of Ovshinsky et al. (U.S. Patent No. 5,344,728) in effect.

In a telephone interview with Examiner Mercado on May 20, 2003, Applicants’ agent Daniel Geselowitz discussed the teachings of Ohta et al. ‘726 as well as Ohta et al. ‘636. At issue was whether the structural limitations on the sintered nickel electrode as recited in claim 1 and illustrated in Fig. 1 could be achieved by either reference.

Applicants’ agent discussed the structure implied in Ohta et al. ‘726, in particular in Example 1 of the reference in column 4, lines 24-35, in which “a coating layer of a cobalt compound composed mainly of cobalt hydroxide” is obtained on the surface of a nickel hydroxide particle, arguing that this was inconsistent with the recitation of present claim 1 requiring a porous sintered nickel substrate with an active material containing nickel hydroxide, and a coating layer, as illustrated in Fig. 1 of the present application.

Amendment Accompanying RCE
Mitsuzou NOGAMI et al.

U.S. Patent Application S.N. 09/622,615
Attorney Docket No. 000774

In the present amendment, claims 12-18 and 25 have been canceled without prejudice or disclaimer, leaving only claims 1-5, 11 and 26 pending.

Applicants have also amended claims 1 and 2 to clarify the recitation. The amendments recite that the coating layer “is formed only on a surface that contacts with an electrolyte solution of the active material formed on the porous sintered nickel substrate.” The meaning of this amendment was discussed during the telephone interview. Applicants here explain that the coating layer is formed only on the portion of the active material that contacts with the electrolyte, as can be seen from Examples A1 to A11 of the specification, and as is illustrated in Figure 1 of the application. Applicants note that, as the active material directly contacts the porous sintered substrate, which is the current collector, and does not contact by way of the coating layer, the electrons are conducted smoothly during charge and discharge reactions.

Applicants submit that this amendment further clarifies the distinction from Ohta et al. ‘726, which can be viewed as having the whole body of the active material coated with the coating layer. As such, Applicants submit that combination with Ovshinsky et al. ‘728 cannot produce the recitation of the present claims.

Reconsideration of the rejections is therefore respectfully requested.

Amendment Accompanying RCE
Mitsuzou NOGAMI et al.

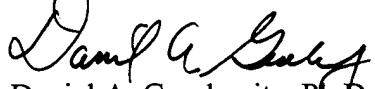
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Attached hereto is a marked-up version of the changes made to the by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Daniel A. Geselowitz, Ph.D.
Agent for Applicants
Reg. No. 42,573

DAG/plb
Atty. Docket No. 000774
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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Enclosures: Version with markings to show changes made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 1 and 2 as follows:

1. (Twice Amended) A sintered nickel electrode for an alkaline storage battery in which an active material mainly containing nickel hydroxide is applied to a porous sintered nickel substrate, characterized in that a coating layer containing at least one hydroxide of an element selected from the group consisting of strontium Sr, scandium Sc, yttrium Y, the lanthanoid elements, and bismuth Bi is formed only on a surface that contacts with an electrolyte solution of the active material formed on the porous sintered nickel substrate.

2. (Twice Amended) A sintered nickel electrode for an alkaline storage battery in which an active material mainly containing nickel hydroxide is applied to a porous sintered nickel substrate, characterized in that a coating layer containing cobalt together with at least one hydroxide of an element selected from the group consisting of calcium Ca, strontium Sr, scandium Sc, yttrium Y, the lanthanoid elements, and bismuth Bi is formed only on a surface that contacts with an electrolyte solution of the active material formed on the porous sintered nickel substrate.